

FILED
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
2004 APR -5 P 3:15

CIVIL ACTION NO. 04-10374-WGY

NORTH AMERICAN SPECIALTY
INSURANCE COMPANY
Plaintiff

V.

MARY & JOSEPHINE CORPORATION and
MATTEO RUSSO
Defendants

**ANSWER OF MATTEO RUSSO TO COMPLAINT FOR
DECLATATORY JUDGMENT**

1. Admitted.
2. Defendant is without sufficient information to either admit or deny the allegations of Paragraph 2 and calls upon the defendant to prove same.
3. Admitted.
4. Admitted.
5. Admitted.
6. No response required.
7. Defendant admits that plaintiff issued the primary layer P&I insurance coverage for the F/V MARY & JOSEPHINE as alleged.
8. Admitted.
9. Denied.

10. Admitted.

11. Admitted.

12. Admitted.

13. Defendant, Russo, admits that he is an employee of the defendant, M&J.

Defendant denies the other allegations of Paragraph 13.

14. Admitted.

15. The defendant admits that on behalf of M&J, he asked if the F/V MARY & JOSEPHINE could be deemed to have been on "port risk" coverage on May 1, 2003 but denies the remaining allegations in Paragraph 15 of Plaintiff's Complaint. He specifically denies the allegations that he "did not want any crew protection and indemnity coverage during the period that the vessel was not fishing."

16. Defendant is without sufficient information to either admit or deny the allegations of Paragraph 16 and calls upon plaintiff to prove same.

17. The defendant admits that it was agreed that the plaintiff would provide "port risk" coverage for the F/V MARY & JOSEPHINE until the plaintiff was advised that the vessel had returned to active fishing operations and that credit would accrue to the defendant, M&J, during the period of "port risk" coverage which would be applied either upon the vessel's return to full operational coverage or at the end of the policy year on August 13, 2004. Defendant specifically denies the allegation that the vessel being on "port risk" coverage would exclude coverage for any crewmen and specifically states that it was the intent of he and the corporate defendant that at all

times there be protection and indemnity coverage for the crewmen, including coverage for himself as captain of the vessel.

18. Admitted.
19. Admitted.
20. Admitted.
21. Admitted.
22. Admitted.
23. Denied.

WHEREFORE, defendant, Matteo Russo, prays that this Honorable Court enter a judgment declaring that plaintiff is obligated to defend and indemnify defendant Mary & Josephine Corporation, with respect to the claims by defendant, Matteo Russo asserted in Civil Action No. 04-10108-WGY.

**DEFENDANT, MATTEO RUSSO, DEMANDS A TRIAL BY JURY ON EACH AND
EVERY ISSUE RAISED HEREIN.**

Dated: April 2, 2004

The defendant, MATTEO RUSSO,
By his attorney,
JOSEPH G. ABROMOVITZ, P.C.

Joseph G. Abromovitz
BBO No. 011420
858 Washington Street
Third Floor
Dedham, MA 02026
PHONE: (781) 329-1080

CERTIFICATE OF SERVICE

I, Joseph G. Abromovitz, hereby certify that on the 2nd day of April, 2004, I served a copy of this document by first class mail, postage prepaid to the following counsel of record:

Marshall J. Tinkle, Esquire
Leonard W. Langer, Esquire
Tompkins, Clough, Hirshon & Langer, P.A.
Three Canal Plaza
P.O. Box 15060
Portland, ME 04112-5060

Richard H. Pettingell, Esquire
Law Office of Richard H. Pettingell, P.C.
77 North Washington Street
Second Floor
Boston, MA 02114



Joseph G. Abromovitz

THE LAW OFFICE OF JOSEPH G. ABROMOVITZ, P.C.

ATTORNEYS AT LAW & PROCTORS IN ADMIRALTY

858 WASHINGTON STREET
THIRD FLOOR

DEDHAM, MASSACHUSETTS 02026

Telephone: (781) 329-1080 Facsimile: (781) 326-2157

JOSEPH G. ABROMOVITZ*
jga@jga-pc.com

MARSHA A. MORELLO
mam@jga-pc.com

*ALSO ADMITTED IN FLORIDA

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CLERK'S OFFICE

1001 APR 5 2004 15
Boston Office:
77 North Washington Street
Second Floor
Boston, MA 02114
DISTRICT OF MASS.

April 2, 2004

Clerk of Courts
United States District Court
One Courthouse Way
Boston, MA 02110

RE: North American Specialty Insurance Company v. Mary & Josephine
Corporation and Matteo Russo
Civil Action No. 01-10374 WGY

Dear Sir or Madam:

Relative to the above referenced matter enclosed herewith please find
"Answer of Matteo Russo to Complaint for Declaratory Judgment."

Very truly yours,
JOSEPH G. ABROMOVITZ, P.C.

Joseph G. Abromovitz

JGA/bc
Enclosure

cc: Leonard W. Langer, Esquire
Richard H. Pettingell, Esquire